IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.B.KOSHY
&
THE HONOURABLE MRS. JUSTICE K.HEMA

WEDNESDAY, THE 5TH SEPTEMBER 2007 / 14TH BHADRA 1929

MFA.No. 818 of 2001()

OPMV.482/1998 of MOTOR ACCIDENT CLAIMS TRIBUNAL, THRISSUR
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APPELLANT:

RAJAN, S/O.VELAYUDHAN,
MUNDAKKAL HOUSE,
CHALISSERRIL.P.O., THRISSUR DISTRICT.

BY ADV. SRI.P.V.CHANDRA MOHAN

RESPONDENTS:
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1. K.A.JOY, S/O.ANTONY,
KOLANGARA HOUSE XIV/166,
AYYANTHOLE, THRISSUR.

2. RAMADASAN, S/O.AYYAPPAKUTTY,
ATTUVALAPPIL HOUSE,
P.O.AYYANTHOLE, THRISSUR.

3. UNITED INDIA INSURANCE CO. LTD.,
BRANCH OFFICE, KURUPPAM ROAD, THRISSUR.

4. K.R.SUKUMARAN,
KUTTANKULANGARA HOUSE,
AYYANTHOLE, THRISSUR.

BY ADV. SRI.G.SREEKUMAR (CHELUR)
SRI.LLOYD JOSEPH VIVERA
SRI.C.A.CHACKO
SRI.M.A.HAKIM SHAH

THIS MISC. FIRST APPEAL HAVING BEEN FINALLY HEARD ON 05/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

J.B.KOSHY & K.HEMA,JJ.

M.F.A.NO. 818 OF 20O1

Dated this the 5th day of September, 2007

JUDGMENT

Koshy, J.

The appellant filed a petition for compensation for the injuries sustained in a road traffic accident on 7.10.1997. According to him, while he was walking along the public road, an auto rickshaw, came from opposite side and knocked him down. The wound certificate shows that he fell from a goods auto rickshaw. It was found by the Tribunal that she is also negligent. Therefore, after fixing 25% as the contributory negligence of the petitioner, the Tribunal awarded compensation for an amount of Rs.31,500/- with interest. On the the next day, she filed a first information statement. On that basis police charge sheeted the second respondent auto driver stating that the petitioner was hit down by the auto rickshaw due to his rash and negligent driving. There is no evidence that the second respondent was convicted. No oral evident was adduced to prove the allegation. The Tribunal did not accept the evidence adduced by

the petitioner stating that the FI statement was recorded after one day and there was sufficient time for the petitioner to get legal advice and to distort truth. This is a finding of fact and we are of opinion that the above finding of the Tribunal is not liable to be interfered at the instance of the claimant. None of the respondents filed appeals. We see no ground to interfere with the award passed by the Motor Accident Claims Tribunal. The appeal is dismissed.

J.B.KOSHY, JUDGE

K.HEMA, JUDGE

vgs.

J.B.KOSHY & K.HEMA, JJ.

M.F.A.NO.818 OF 2001

JUDGMENT

5.9.2007